Comhairle Contae Fhine Gall
Fingal County Council

Minutes of the County Council Meeting held on Monday, 9th March, 2015 in the Council Chamber - County Hall, Swords, at 5.00 pm

MEMBERS PRESENT

Councillors:	**Councillors:**
Browne, J.P.	McCamley, Mary
Butler, Darragh	McDonagh, Brian
Chambers, Jack	McGuinness, David
Coppinger, Eugene	Mulville, Paul
Dennehy, Brian	Murphy, Tony
Dennison, Kieran	Murray, Mags
Donnelly, Paul	Newman, Joe
Farrell, Ken	Ni Laoi, Daire
Guerin, Jimmy	Nolan, Lorna
Healy, David	O'Brien, Eoghan
Henchy, Adrian	O'Callaghan, Cian
Kavanagh, Sandra	O'Connor, David
Lavin, Anthony	O'Gorman, Roderic
Leddy, Ted	Quinn, Malachy
Loftus, Eithne	Redmond, Keith
Lukusa, Edmond	Sinnott, Justin
Lynam, Philip	Smith, Duncan
Maguire, Grainne	Treacy, Natalie
Martin, Barry	Waine, Matthew

Apologies for inability to attend were received for Councillor Annette Hughes and Anne Devitt.

The Mayor, Councillor Mags Murray, presided.

OFFICIALS PRESENT

Paul Reid (Chief Executive), Mick Lorigan (Director of Operations), Gilbert Power (Director of Planning & Strategic Infrastructure), Ann Marie Farrelly (A/Director of Housing & Community, Culture, Sports and Libraries), Ethna Felten (A/Director of Economic Development Services), Des Bruton (A/Head of Finance), Stephen Peppard (Senior Executive Officer), Ide De Bairtiseil (Senior Executive Officer), Brendan Fleming (Senior Executive Officer), Noeleen McHugh (Senior Executive Officer), John Daly (Senior Engineer), Fergus Healy (Systems Analyst), Michael Kelly (Administrative Officer), Naomi Weir (Senior Staff Officer), Alan Clarke (Senior Programmer), Mary O' Hara (Assistant Staff Officer), Mary O'Neill (Clerical Officer) and Barbara Hegarty (Clerical Officer)

VISITORS TO THE CHAMBER
Lee Payton, Nuway, Mark Kavanagh, Sord, Noel Sweeney, Dr. Sheila Flanagan, TTC. (Tourism and Transport Consultation).

F/96/15 (Agenda Item No)

Mobile Phones.

The Mayor advised the Members that the use of mobile phones was prohibited for the duration of the meeting.

F/97/15 (Agenda Item No)

Webcasting.

The Mayor advised the Members that the meeting was being filmed for live or subsequent broadcast via the Council's website.

F/98/15 (Agenda Item No)

Request for Suspension of Standing Orders-Emergency Motions.

The Mayor advised the meeting that there were four emergency motions to hand. It was **agreed** that these motions be revisited at 7.45pm or when all other items on the agenda had been dealt with, whichever was earlier, to decide if the motions should, in fact be tabled.

F/99/15 (Agenda Item No 1)

Confirmation and Re-Affirmation of Minutes.

(a) Minutes of County Council Meeting held on Monday 9th February 2015, which had been circulated, were **submitted**, **approved** as a true record and signed.

F/100/15 (Agenda Item No 2a)

Appointments-Nomination of Members to Hansfield SDZ Steering Group

The attached report by the Chief Executive, which had been circulated, was **considered**.

In the course of a discussion on this item, it was proposed by a number of Councillors that the Elected Members from the Local Electoral Area of Castleknock, should also be appointed to this Steering Group. Following a further discussion, this was **agreed** by the Executive.

It was then proposed by Councillor M. Murray, seconded by Councillor T. Leddy and **resolved:**

"That Councillors Kieran Dennison, Paul Donnelly, Annette Hughes, Edmond Lukusa, Mary McCamley, David McGuinness, Lorna Nolan, Matthew Waine, Jack Chambers, Sandra Kavanagh, Ted Leddy, Eithne Loftus, Mags Murray, Roderic

O'Gorman and Natalie Treacy be **appointed** members of the Hansfield SDZ Steering Group."

F/101/15 (Agenda Item No 2b)

Appointment of two Councillors to the Board of Newbridge House and Farm Limited.

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor E. O'Brien, seconded by Councillor J. Chambers and **resolved**:

"That Councillor Adrian Henchy be appointed member to the Board of Newbridge House and Farm Limited."

It was then proposed by Councillor L. Nolan, seconded by Councillor P. Mulville and **resolved**:

"That Councillor Paul Mulville be appointed member to the Board of Newbridge House and Farm Limited."

F/102/15 (Agenda Item No)

Questions.

It was proposed by Councillor E. Loftus, seconded by Councillor K. Dennison and **resolved**:

"That in accordance with Standing Order No. 65, Questions numbered 3-17 inclusive be **adopted** and **approved**."

F/103/15 (Agenda Item No 3)

Councillor A. Devitt - Security Costs

F/104/15 (Agenda Item No 4)

Councillor A. Henchy - Crime

F/105/15 (Agenda Item No 5)

Councillor A. Henchy - Disability and Adaptation

F/106/15 (Agenda Item No 6)

Councillor D. Butler - Security Costs

F/107/15 (Agenda Item No 7)

Councillor D. Butler - Local and regional roads funding

F/108/15 (Agenda Item No 8)

Councillor R. O'Gorman - Fingal County Council compliance with BER certificates

F/109/15 (Agenda Item No 9)
Councillor K. Dennison - Motor Taxation

F/110/15 (Agenda Item No 10)
Councillor M. Quinn - Private Contractors Warranty

F/111/15 (Agenda Item No 11)
Councillor D. McGuinness - InFill Housing Development in Fingal's Local Authority Housing Estates

F/112/15 (Agenda Item No 12)
Councillor D. McGuinness - NAMA lands in Fingal

F/113/15 (Agenda Item No 13)
Councillor J. Sinnott - Green Energy Initiatives

F/114/15 (Agenda Item No 14)
Councillor J.P. Browne - RAS properties

F/115/15 (Agenda Item No 15)
Councillor D. Smith - Defibrillators

F/116/15 (Agenda Item No 16)
Councillor D. Healy - Derelict Sites Act

F/117/15 (Agenda Item No 17)
Councillor P. Mulville - Public toilets - Portmarnock

F/118/15 (Agenda Item No 18a)
Report of Balbriggan/Swords Area Committee Meeting (Services A) held on 12th February 2015

It was **noted** that there was no report under this heading.

F/119/15 (Agenda Item No 18b)
Report of Balbriggan/Swords Area Committee Meeting (Services B) held on 12th February 2015

The attached report of the Balbriggan/Swords Area Committee Meeting (Services B) held on 12th February 2015, which had been circulated was **considered**.

It was proposed by Councillor K. Farrell, seconded by Councillor G. Maguire and **resolved**:

"That the recommendations contained in the attached report of the Balbriggan/Swords Area Committee Meeting (Services B) held on 12th February 2015 be **adopted** and **approved**."

F/120/15 (Agenda Item No 18c)

Report of Castleknock/Mulhuddart Area Committee Meeting (Services A) held on 26th February 2015

It was **noted** that there was no report under this heading.

F/121/15 (Agenda Item No 18d)

Report of Howth/Malahide Area Committee Meeting (Services A) held on 4th March 2015

It was **noted** that there was no report under this heading.

F/122/15 (Agenda Item No 18e)

Report of Howth/Malahide Area Committee Meeting (Services B) held on 4th March 2015

The attached report of the Howth/Malahide Area Committee Meeting (Services B) held on 4th March 2015, which had been circulated was **considered**.

It was proposed by Councillor A. Lavin, seconded by Councillor C. O'Callaghan and **resolved**:

"That the recommendations contained in the attached report of the Howth/Malahide Area Committee Meeting (Services B) held on 4th March 2015 be **adopted** and **approved**."

F/123/15 (Agenda Item No 18f)

Report of Castleknock/Mulhuddart Area Committee Meeting (Services B) held on 5th March 2015

The attached report of the Castleknock/Mulhuddart Area Committee Meeting (Services B) held on 5th March 2015 which had been circulated was **considered**.

It was proposed by Councillor D. McGuinness, seconded by Councillor K. Dennison and **resolved**:

"That the recommendations contained in the attached report of the Castleknock/Mulhuddart Area Committee Meeting (Services B) held on 5th March 2015 be **adopted** and **approved**."

F/124/15 (Agenda Item No 19a)

Proposed disposal of a site and an option on a further site (3 years), to Montjeu Ltd. at College Business & Technology Park, Blanchardstown, Dublin 15

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor D. McGuinness, seconded by Councillor K. Dennison and **resolved**:

"That the site referred to in the attached report be disposed of in accordance with the terms specified therein and also that the option on a further site as set out, for a period of three years be approved."

F/125/15 (Agenda Item No 19b)
Proposed disposal of land at Seagrange, Baldoyle to Baldoyle Boxing Club

The attached report by the Chief Executive which had been circulated was **considered**.

Following a brief discussion on this item, during which issues raised by the Members were responded to by Mr. Stephen Peppard it was proposed by Councillor B. McDonagh, seconded by Councillor K. Redmond and **resolved**:

"That the land referred to in the attached report be disposed of in accordance with the terms specified therein."

F/126/15 (Agenda Item No 19c)
Proposed Disposal Fee Simple Interest - 1 Seamount Drive, Malahide, Co. Dublin

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor A. Lavin, seconded by Councillor E. O'Brien and **resolved**:

"That the Fee Simple Interest in dwelling referred to in the attached report be disposed of in accordance with the terms specified therein."

F/127/15 (Agenda Item No 19d)
Proposed disposal of Fee Simple Interest - 2 Cannon Rock Cottages, Upper Cliff Road, Howth, Co. Dublin

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor C. O'Callaghan, seconded by Councillor K. Redmond and **resolved**:

"That the Fee Simple Interest in dwelling referred to in the attached report be disposed of in accordance with the terms specified therein."

F/128/15 (Agenda Item No 19e)
Proposed Disposal of Fee Simple Interest - 3 Main Street, Lusk, Co. Dublin

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor M. Quinn, seconded by Councillor D. O'Connor and **resolved:**

"That the Fee Simple Interest in dwelling referred to in the attached report be disposed of in accordance with the terms specified therein."

F/129/15 (Agenda Item No 19f)
Proposed lease of land at Seagrange, Baldoyle to Trackside Lawn Tennis Club

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor C. O'Callaghan, seconded by Councillor A. Lavin and **resolved**:

"That the land referred to in the attached report be disposed of in accordance with the terms specified therein."

F/130/15 (Agenda Item No 20a)
Declaration of Roads to be Public Roads - Footpath at Beechpark Avenue, Castleknock, Dublin 15

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor M. Murray, seconded by Councillor D. McGuinness and **resolved**:

"That the roads referred to in the attached report be and are hereby declared to be public roads."

F/131/15 (Agenda Item No 21)
Chief Executives Report

The attached reports by the Chief Executive which had been circulated was **considered**.

The Chief Executive summarised this report for the Members and responded to issues raised in relation to same. Mr. Des Bruton summarised the Financial Reports and again responded to issues raised by the Members in relation to same. In the course of a discussion on the Chief Executive's report, and under the heading 'Community', the following motion in the names of Councillors, Paul Mulville, Lorna Nolan and Barry Martin was proposed by Councillor Paul Mulville, seconded by Councillor Lorna Nolan:

"That no decision be taken on the Social Inclusion and Community Activation Programme (SICAP) until after the Community representatives have been elected to the Fingal Local Community Development Committee, at the Fingal Community Network plenary meeting on the 25th April and that adequate time be given to the newly elected Community representatives to consider any proposed decisions."

Ms Ethna Felten responded stating that the timescales involved were set as part of a national process. Following further discussion it was **agreed** that this motion be held over until 7.45pm and then dealt with along with the remaining emergency motions.

The Chief Executive's report was then **noted**.

F/132/15 (Agenda Item No 22)

Draft Corporate Plan 2015-2019

The attached report by the Chief Executive together with the Draft Corporate Plan 2015-2019 which had been circulated was **considered**.

The Chief Executive summarised the process by which the Draft Corporate Plan 2015-2019 had been compiled. It was then proposed by Councillor M. Murray, seconded by Councillor T. Leddy and **resolved**:

"That the Draft Corporate Plan 2015-2019 as presented be **adopted** and **approved**."

F/133/15 (Agenda Item No 23)

Fingal Tourism Strategy

The attached Fingal Tourism Strategy 2015-2018 Draft Final Report which had been circulated was **considered**.

A presentation was made on the Tourism Strategy by Noel Sweeney and Dr. Sheila Flanagan from T CC Consultants. A number of comments were made and noted and the report was **noted**.

F/134/15 (Agenda Item No 24)

Report on Schedule of Uncollected Rates for year ended 31st December, 2014

The attached report by the Chief Executive which had been circulated was **considered**.

Mr. Des Bruton summarised this report for the Members following which the report was **noted**.

F/135/15 (Agenda Item No 25)

Application for financial assistance by North & East Housing Association under the Capital Assistance Scheme-Call for CAS 2014, to provide 9 units of living accomodation in Ringfort, Darcystown, Balrothery, County Dublin.

The attached report by the Chief Executive which had been circulated was **considered**.

It was proposed by Councillor D. O'Connor, seconded by Councillor D. Smith and **resolved**:

"That the recommendations contained in the attached report be **adopted** and **approved**."

F/136/15 (Agenda Item No 26)

Conference Report.

The attached report by the Chief Executive which had been circulated was **considered** and **noted**.

F/137/15 (Agenda Item No 27)

Mayor's Business: Councillor M. Murray

It was **noted** that there was no business under this heading.

F/138/15 (Agenda Item No 28)

Departmental/Ministerial Correspondence

It was **noted** that there was no business under this heading.

F/139/15 (Agenda Item No 29a)

Correspondence - Motion from Wicklow County Council regarding "Firearms Licensing System"

The attached letter dated 11th February 2015 from Wicklow County Council which had been circulated was **considered** and **noted**.

F/140/15 (Agenda Item No 29b)

Correspondence - Motion from Limerick City & County Council regarding "alleged movement of sex offenders from Northern Ireland to the twenty six County Republic"

The attached letter dated the 13th February 2015 which had been circulated was **considered** and **noted**.

F/141/15 (Agenda Item No 29c)

Motion from Offaly County Council regarding "condemnation of protests or demonstrations targeting President Michael D. Higgins"

The attached letter dated the 24th February 2015 from Offaly County Council which had been circulated was **considered** and **noted**.

F/142/15 (Agenda Item No 29d)

Letter dated 27/2/15 regarding Greater Dublin Drainage Project

The attached letter dated the 27th February 2015 from Irish Water regarding the Greater Dublin Drainage Project which had been circulated was **considered** and **noted**.

F/143/15 (Agenda Item No)

LAMA Spring Conference.

The Mayor advised the Members that the Local Authority Members Association Spring Conference would take place on the 9th and 10th of April next.

F/144/15 (Agenda Item No)

Visit to Chengdu.

Councillor Jimmy Guerin requested clarification on the selection process of the Elected Members on the delegation to visit Chengdu. In response to a question from Councillor Sandra Kavanagh, Ms. Ethna Felten clarified that the cost of the five day trip was approximately six and a half thousand euro. In the course of further discussion the Chief Executive clarified that as it stood the Mayor and the Chair of the Economic Development and Enterprise Strategic Policy Committee would be part of the delegation. It was then **agreed** that the matter be referred to the Economic Development and Enterprise Strategic Policy Committee for further consideration.

F/145/15 (Agenda Item No)

Emergency Motions.

The Mayor advised the Members that as the time had now reached 7.45pm, and as earlier agreed it was now a matter for the Members to decide if the Emergency Motions were to be tabled.

EMERGENCY MOTION 1.

The following motion in the names of Councillors, Adrian Henchy, Darragh Butler, Brian Dennehy, Eoghan O'Brien, Jack Chambers, David McGuinness and Mags Murray was proposed by Councillor Adrian Henchy, seconded by Councillor David McGuinness:

"That this Council resolves in relation to the Additional Information Response reference 06F. PA0037 from the HSE to highlight the fact that the issues addressed by both Fingal County Council and those by the local community groups have not been dealt with to demonstrate that the proposal is in accordance with the proper planning and development of the area. In addition the serious shortcomings raised by the HSE independent Road Safety Audit regarding upgrades to the entire local road network are addressed in full as to who carries these out, at what cost and when they are carried out. I also ask that the offer of the use of the land within their application for the creation of a separate Haul Road is again offered to the applicants as originally suggested by Fingal County Council's response to an Board Pleanala as it is now felt by the local community that the goodwill offered by them in support of the principle of this application will have to be rescinded given the limited and very much subjective response that the applicants have made in this regard to the original concerns of both Fingal County Council and that of the 30 community groups that have engaged in this process with very limited response to date."

This motion was **agreed** without discussion.

EMERGENCY MOTION 2.

The following motion in the names of Councillors, Paul Mulville and Adrian Henchy was proposed by Councillor Paul Mulville, seconded by Councillor Adrian Henchy:

"We resolve that the Health Service Executive must provide a temporary construction access road, off the New Road/Corballis Road, through Council owned lands at Ballymastone, before any demolition/construction works commence for the planned National Forensic Mental Health Service facility in St. Ita's, Portrane ;we further resolve to give consent to the HSE to use the Council owned lands at Ballymastone for the purpose of a temporary construction access road; and we finally resolve to withhold our support for this project until the temporary construction access road is provided."

This motion was **agreed** without discussion.

EMERGENCY MOTION 3.

The following motion in the names of Councillors, Darragh Butler, Jack Chambers, Brian Dennehy, Adrian Henchy, David McGuinness, Mags Murray and Eoghan O'Brien was proposed by Councillor Darragh Butler, seconded by Councillor Brian Dennehy:

"That Fingal County Council is opposed to the proposal to bring the Dublin Fire Brigade Ambulance Service under the control of the HSE."

In the course of a discussion on this item, the Chief Executive advised the meeting as follows:

Patricia King, Vice President, SIPTU and Shay Cody, General Secretary, IMPACT met with Owen Keegan, Chief Executive Dublin City Council and Brendan Kenny, Assistant Chief Executive DCC on Friday 6th March 2015.

At the meeting management-side confirmed agreement between all parties on the following principles:

- the Control Centre Reconfiguration Project, as recommended in the HIQA Report, and including integrated emergency ambulance call taking and dispatch will be pursued;
- Dublin Fire Brigade will continue to be fully involved in emergency ambulance service delivery as part of this reconfiguration project and;
- there will be no diminution in emergency ambulance service delivery to the population of the Region.

It was agreed that a Joint Forum within Dublin City Council, inclusive of Management and SIPTU and IMPACT representatives, will be established under an independent chair, Mr. Stephen Brady, former Dublin Chief Fire Officer. All matters arising from this reconfiguration project will be addressed in this Forum.

The motion was then **agreed**.

EMERGENCY MOTION 4.

The following motion in the names of Councillors, Natalie Treacy, Paul Donnelly, Philip Lynam, Daire Ni Laoi, Malachy Quinn, Matthew Waine, Sandra Kavanagh, Eugene Coppinger, Grainne Maguire, Justin Sinnott, Cian O'Callaghan, Edmond Lukusa, Adrian Henchy, David O'Connor, Eoghan O'Brien and Brian Dennehy was proposed by Councillor Natalie Treacy, seconded by Councillor Paul Donnelly:

"This motion calls on the Minister for Environment to ensure that there will not be any job losses or loses to services as a result of the Social Inclusion and Community Activation Programme (SICAP) funding that was announced recently."

Following a brief discussion, this motion was **agreed**.

EMERGENCY MOTION 5. (Relation to Item No 21 Chief Executive's Report.)

The following motion in the names of Councillors, Paul Mulville, Lorna Nolan and Barry Martin was proposed by Councillor Paul Mulville, seconded by Councillor Lorna Nolan and **read** into the record of the meeting by Mr. Stephen Peppard:

"That no decision be taken on the Social Inclusion and Community Activation Programme (SICAP) until after the Community representatives have been elected to the Fingal Local Community Development Committee, at the Fingal Community Network plenary meeting on the 25th April and that adequate time be given to the newly elected Community representatives to consider any proposed decisions."

In response, both the Mayor an Ms Ethna Felten clarified that the contract had already been awarded to the successful applicant and accordingly, the motion could have no effect.

On this basis the motion was **withdrawn**.

F/146/15 (Agenda Item No 30)
Councillor P. Mulville - Recruitment Moratorium

The attached motion in the name of Councillor P. Mulville, was proposed by Councillor Paul Mulville, seconded by Councillor Mags Murray.

The attached report by the Chief Executive, which had been circulated, was **considered**.

Following a brief discussion on this item, during which issues raised by the Members were responded to by the Chief Executive, the motion was **agreed**.

The Meeting concluded at 8.10 pm

MAYOR _____ DATE _____